



PATENT
5760-14600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Hagai Katz and Eyal M. Yechieli

Serial No. 10/747,841

Filed: December 29, 2003

For: Using Technical Performance Metrics
For Business and Usage Analysis and
Cost Allocation

Group Art Unit: 3629

Examiner: Unknown

Atty. Dkt. No. 5760-14600

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

B. Noel Kivlin
Registered Representative

6-9-05
Date

Signature _____

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests consideration of ☒ the references listed on the attached Form PTO-1449 and/or ☐ the additional information identified below in paragraph 3.

- ☒ Pursuant to CFR §1.98(a)(2)(i), copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed.
- ☒ A copy of each non-U.S. patent and/or non-U.S. patent application publication reference listed on the Form PTO-1449 is enclosed.
- ☐ The non-U.S. patent and/or non-U.S. patent application publication references listed on the Form PTO-1449 were previously cited in application serial no. _____ to which the captioned application is seeking priority under 35 U.S.C. §120; therefore, a copy of each reference is not enclosed.

1. This Information Disclosure Statement is submitted:

- a. ☐ within 3 months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
- ☐ within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application;

- ☒ before the mailing date of a first Office Action on the merits; or
☐ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

- b. ☐ after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: ☐ the certification of paragraph 2 below is provided, or ☐ a fee of \$180.00 is enclosed.
- c. ☐ after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.

2. It is hereby certified:

- ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:

4. For each non-English language reference listed on the attached Form PTO-1449:

- ☐ reference is made to an English language translation submitted herewith, and/or
- ☐ reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- ☐ reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
- ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) _____, and/or
- ☐ reference is made to the concise explanation set forth below:

5. ☐ Applicant also offers the following comments for the Examiner's consideration:

6. ☒ Also enclosed is a copy of a foreign search report citing these references.

7. ☐ The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.
8. ☐ Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

If any required fees are missing, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5760-14600/BNK.

Respectfully submitted,



B. Noel Kivlin
Reg. No. 33,929
Attorney for Applicant(s)

MEYERTONS, HOOD, KIVLIN,
KOWERT & GOETZEL, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8800
Date: 6-9-05

**Form PTO-1449** (modified)
List of Patents and Publications
For Applicant's Information
Disclosure Statement
(Use several sheets if necessary)

ATTY DKT. NO. 5760-14600

SERIAL NO. 10/747,841

APPLICANT: Katz, et al

GROUP: 3629

FILING DATE: December 29, 2003

U.S. PATENT DOCUMENTS

EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE APPROPRIAT
	A1	6,086,618	July 11, 2000	Al-Hilali, et al.			
	A2	6,658,654	December 2, 2003	Berry, et al.			
	A3	6,662,164	December 9, 2003	Koppelman, et al.			
	A4	6,738,736	May 18, 2004	Bond			
	A5	6,708,155	March 16, 2004	Honarvar, et al.			
	A6	2002/0129035	September 12, 2002	Hayes, et al.			
	A7	2002/0178206	November 28, 2002	David Wesley Smith			

FOREIGN PATENT DOCUMENTS

EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATIO YES/NO

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	A8	International Search Report No. PCT/US2004/043615, March 24, 2005.
	A9	Written Opinion of the International Searching Authority for application No. PCT/US2004/043615, IPC Classification G06F17/60, December 29, 2004.
	A10	"AIX version 3.2 – System Management Guide: Operating System and Devices, Passage. System Accounting" System Management Guide: Operating System and Devices, XX, XX, October 1993, pages 1401 – 1429, XP002067192.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.